

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Revision of the Commission's	)	
Rules to Ensure Compatibility	)	CC Docket No. 94-102
with Enhanced 911 Emergency	)	
Calling Systems	)	
	)	
Petition of City of Richardson, Texas	)	

**REPLY OF NENA, APCO, NASNA  
AND TARRANT COUNTY 9-1-1 DISTRICT  
TO COMMENTS ON  
PETITIONS FOR RECONSIDERATION  
OF SPRINT PCS  
AND CINGULAR WIRELESS**

The National Emergency Number Association (“NENA”), Association of Public-Safety Communications Officials-International, Inc. (“APCO”) and National Association of State Nine One One Administrators (“NASNA”) (collectively, “Public Safety Organizations”), joined by Tarrant County, Texas 9-1-1 District (“District”), hereby reply to the comments of others in the captioned proceeding.<sup>1</sup>

Of the nine sets of comments besides our own, seven support the petitions. Only City of Richardson and Verizon (the local exchange carriers, not the wireless carrier) are opposed. Verizon’s opposition is narrowed to the suggestion of Sprint and others that local exchange carriers (“LECs”) engaged in management of Automatic Location Information (“ALI”) databases

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<sup>1</sup> The Public Safety Organizations and the District filed separate opposing comments on the Sprint PCS and Cingular petitions on January 18, 2002.

enter into specific contracts with PSAPs, or post their planned schedules, for upgrade of the ALI databases to accommodate provision of Phase II location services.<sup>2</sup>

Since they tend to echo petitioners' arguments, most of the contentions of the supporting commenters already have been answered by the public safety oppositions or by City of Richardson. RCA (Comments, 2) emphasizes that a PSAP cannot make a valid request for Phase II service until it can "actually" take advantage of the service, but such a reading does not rule out the PSAP's becoming able to do so during the same six months the wireless carrier is allowed to get ready.

City of Richardson (Opposition, 1) correctly addresses the supporters' universal hand-wringing over the potentially premature commitment of carrier investment to PSAPs who prove unready. The primary aim of the Richardson order is to provide the clarity that will allow prompt Phase II implementation. While the FCC does not want to "strand" either carrier or PSAP investment (RCA, 3) this consideration is distinctly secondary to speed of implementation. In repeatedly raising the fear that they will waste money deploying to a PSAP that is not ready for Phase II, the carriers seem to ignore the truth of the converse: That PSAPs have invested public funds to prepare for Phase II without concrete assurance that wireless carriers will be ready on schedule.<sup>3</sup>

The answer is that both sides must trust each other more. In a presumed minority of cases, promises from one side or the other (or from a LEC as to an ALI database upgrade) will

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<sup>2</sup> The seven comments supporting petitioners came from CTIA (2), Rural Cellular Association ("RCA"), VoiceStream, Nextel, Dobson and North Dakota Network Company.

<sup>3</sup> The schedules continue to slip with each missed benchmark in the waiver obligations of the national carriers and the uncertainty is magnified by all the smaller-carrier waiver requests not yet disposed of.

not be met. In the main, we expect all the parties to meet their commitments most of the time because it is in their mutual interest to do so. The fewer the rules about how the commitments are to be met, the better.<sup>4</sup> While we appreciate the care with which Sprint has tried to anticipate and regulate every conceivable dispute or misunderstanding, we don't want to see the process "fly-specked" to the point where literal compliance becomes the enemy of workable implementation.

The E2 Interface. VoiceStream echoes Sprint's call for incorporation into FCC rules of the so-called "E2" interface from J-STD-036, first published in June of 2000, with revisions now being voted upon. In particular, these two carriers and most of their allies believe that the "pull" and "refresh" features of this standard are essential to reliable delivery of Phase II data from wireless origin to LEC intermediary to PSAP.<sup>5</sup> In our comments on the Sprint reconsideration petition, we said that "while the refreshment capability specified in J-STD-036 may be an obvious choice in most cases, we hesitate to stifle customization or to freeze technology, particularly while the standard remains under review." (January 18, 2002, at 3)

The Public Safety Organizations should not be understood as backing away from a standard they helped write and are now considering for possible revisions. For the reasons cited, the functions incorporated in this part of the standard are extremely important parts of wireless call delivery. At the same time, we are not convinced that it's appropriate to mandate a specific

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<sup>4</sup> In the words of the Commission, we don't need an "elaborate scheme" to fulfill the objectives. Order, FCC 01-293, released October 17, 2001 ("Order"). VoiceStream complains (Comments, 5) that many PSAPs are not responding to its requests for Phase II readiness demonstrations. The VoiceStream letters at issue went out during the pendency of the Richardson issue. Once the readiness guidelines are settled, PSAPs should be better able to respond.

<sup>5</sup> "Pull" means the ability of the PSAP to poll the wireless carrier's Mobile Positioning Center to obtain Phase II location information if that information is not available until after the 9-1-1 call has been set up. "Refresh" relies on the same capability to permit the PSAP to check back for updates or refinement of location information after the initial fix has been received.

technical interface in FCC rules. Furthermore, to the extent that the legal ability to request and deliver location information across LATA boundaries inherent in this interface is an issue, it is our intent to pursue appropriate remedies.

We surely do not want the existence of a polling capability to cause carriers to relax from their primary responsibility of delivering accurate location information as soon as feasible.

PSAPs would rather have reliable accuracy the first time than ask for corrections later.<sup>6</sup>

VoiceStream's reference (Comments, 7) to a two-second call setup time "allowed for public safety for 911 calls" is misleading. We do not expect to receive location information within that small a setup period. We understand that Intrado, Xypoint and other MPC vendors are working to an interval of 5 or 6 seconds for Phase II location delivery.

We reject VoiceStream's claim that a "refresh" capability is required by Section 20.18(j). To read that subsection as if the lag in the carrier's delivery of latitude and longitude is the fault of the receiving PSAP turns the regulation on its head.

Finally, the Richardson Order did not, as North Dakota Network claims (Comments, 4), shift any burden from the PSAP to the carrier. Instead, it equalized a burden, allowing both the PSAP and the carrier to use the request for Phase II service as the opening of a window of implementation, up to six months, in which these parties, together with the LEC, would work mutually toward a successful conclusion. The North Dakota Network vision is the exact opposite of mutuality and collaboration: "The standard should be that nothing more need be done by any other entity than the carrier by the time the PSAP makes the request." *Id.* Under this version, the wireless carrier works alone and, chances are, gets it wrong. The better policy is one

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<sup>6</sup> Assuming the usual case of a stationary caller. Obviously, updates are critical when the caller is moving.

we believe is in place now, forcing the wireless carrier, the LEC and the PSAP to work together while the window is open.

Conclusion. The Sprint and Cingular petitions should be denied to the extent discussed in this Reply and our oppositions of January 18th.

Respectfully submitted,

NENA, APCO, NASNA and the District

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